

EFRAIN ORTIZ,	:	
	:	
	:	15cv2698
Petitioner,	:	
	:	
-against-	:	<u>MEMORANDUM &amp; ORDER</u>
	:	
ATTICA CORRECTIONAL FACILITY,	:	
	:	
Respondent.	:	
	:	

Petitioner Efrain Ortiz filed this habeas petition pursuant to 28 U.S.C. § 2254 challenging his 2007 conviction for kidnapping, rape, assault, and related crimes. This Court referred this matter to Magistrate Judge Debra Freeman for a Report and Recommendation. On November 21, 2017, Magistrate Judge Freeman issued her Report and Recommendation (the “Report”). (See Report & Recommendation, ECF No. 44 (“Report”).) The Report recommends that Ortiz’s petition be deemed amended to remove claims still capable of exhaustion in state court, and as so amended, be denied in its entirety. (Report at 29–32 (listing unexhausted claims); Report at 51.) Ortiz filed no objections to the Report.

This Court has reviewed Magistrate Judge Freeman’s thorough and well-reasoned Report, and finds that it is not erroneous on its face. See 28 U.S.C. § 636(b)(1). Accordingly,

this Court adopts the Report in its entirety. Ortiz's failure to file written objections precludes appellate review of this decision. See Thomas v. Arn, 474 U.S. 140, 155 (1985). This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962). The Clerk of Court is directed to terminate all pending motions and mark this case as closed.

Dated: February 20, 2018  
New York, New York

SO ORDERED:

  
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WILLIAM H. PAULEY III  
U.S.D.J.